

**EIGHTEENTH DAY.**

Senate Chamber,  
Austin, Texas,  
August 10, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

By Senator Purl:

S. B. No. 65, A bill to be entitled "An Act providing for the issuance of licenses for life, health and accident insurance agents, and the cancellation thereof, regulating the conduct of persons and companies with reference to acting as, and through, life insurance agents, providing penalties, repealing laws in conflict, and declaring an emergency."

Read and referred to Committee on Insurance.

By Senators Hornsby and Purl:

S. B. No. 66, A bill to be entitled "An Act providing that warrants drawn on the State Treasurer, if presented for payment and not paid, shall automatically bear interest un-

til called for payment at the rate of six per cent (6%) per annum, and declaring an emergency."

Read and referred to Committee on Finance.

**S. C. R. No. 9.**

Senator Hornsby sent up the following resolution:

Whereas the recent government report shows that the surplus cotton that will be left on hand at the end of 1931 will be the greatest in history, and

Whereas in the face of this report the cotton market broke so that middling cotton is now selling on the stock exchanges at less than 7½ cents and is bringing in farmers 6 cents on the local markets, and

Whereas unless we can find additional uses for cotton, the price of the coming crop will be far less than ever before and much less than the cost of production, which condition will spell ruin to the people of Texas and other cotton growing states;

Therefore be it resolved by the Senate of Texas, the House of Representatives concurring: That the Highway Department of the State of Texas be, and is hereby, requested and urged to specify the use of a loosely woven cotton bagging for the "curing" of concrete, instead of the burlap which is now specified and used; and be it further resolved that all counties, cities and other political subdivisions of this State be requested and urged to use such cotton bagging for "curing" all their concrete construction; and further that copies of this resolution be furnished the press and sent to the Highway Department of the several states and to the U. S. Bureau of Public Roads at Washington, D. C.

HORNSBY.

The resolution was read and adopted by the following vote:

Yeas—23.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.

Williamson. Woodward.  
Woodruff.

Nays—1.

Holbrook.

Present—Not Voting.

Martin.

Absent.

Hopkins. Oneal.  
Moore. Pollard.  
Neal. Woodul.

#### Reason for Vote.

I vote "nay" on S. C. R. No. 9 for the reason that it establishes a State subsidy on cotton to the exclusion of all other farm products. I am against government subsidies of any kind.

HOLBROOK.

#### House Bill No. 25.

Senator Rawlings received unanimous consent to have the caption of H. B. No. 25 be corrected to correspond to the body of the bill.

#### Committee Appointed.

The Chair announced the appointment of the following committee in accordance with S. R. No. 16 (post session employment):

Senators Woodruff, Beck and Gainer.

#### Messages From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following messages:

Executive Office,  
Austin, Texas, August 10, 1931.  
To the Members of the Forty-second Legislature:

I hereby submit the following subjects for your consideration, viz:

(1) To amend our insurance laws so as to provide that licenses for life insurance agents will not be renewed each year, thus making the same provision for life insurance agents as the Regular Session of the Legislature made for all other insurance agents and saving the State several thousand dollars per year in unnecessary expense.

(2) To provide that all warrants drawn upon the State Treasury, and not paid for lack of funds, shall draw

interest from and after the date of such refusal of payment until the date upon which they are called for payment by the State Treasurer, thus making obligations of the State automatically draw interest after non-payment in the same manner that the State laws have always required as to obligations of private citizens; along the lines of the laws of Missouri and numerous other states.

(3) To amend Article 109 of our laws governing primary elections so as to make it clear that it applies to all offices for which candidates are to be nominated.

Respectfully submitted,

R. S. STERLING, Governor.

Executive Office,  
Austin, Texas, August 10, 1931.  
To the Members of the Forty-second Legislature:

I hereby submit for your consideration the following subjects:

(1) Amending Senate Bill No. 467 passed by the Regular Session of the Forty-second Legislature.

(2) The enactment of legislation waiving the rights of the State of Texas to enter upon, for the purpose of the developing of mines, minerals and mineral rights any lands acquired under the provisions of Article 8225, Revised Statutes, 1925, which lands are now controlled by, or which may hereafter be conveyed to the United States of America for navigation purposes, so long as such lands shall be used by the United States of America for navigation purposes.

Respectfully submitted,

R. S. STERLING, Governor.

#### S. C. R. No. 10.

Senator Cousins sent up the following resolution:

To Grant S. G. Burnett and Others Rights to Sue State of Texas.

Whereas, in Cause No. 44,271, entitled the State of Texas vs. L. P. Featherstone, et al, in the District Court of Travis County, Texas, the State of Texas, on the 22nd day of July, 1929, recovered judgment against the defendants for the title to and possession of certain tracts of land and cancelling a certain deed dated the 16th day of March, 1920; and

Whereas, the defendants in said suit sought to recover from the State

## Yeas—24.

Beck.	Oneal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Russek.
Holbrook.	Stevenson.
Loy.	Thomason.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

## Nays—5.

Hopkins.	Small.
Hornsby.	Williamson.
Rawlings.	

(Pair Recorded.)

Senator Cousins (present) who would vote nay, with Senator Patton (absent) who would vote yea.

The resolution was adopted by the following vote:

## Yeas—24.

Beck.	Oneal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Russek.
Loy.	Stevenson.
Martin.	Thomason.
Moore.	Woodruff.
Neal.	Woodul.

## Nays—7.

Cousins.	Small.
Hopkins.	Williamson.
Hornsby.	Woodward.
Rawlings.	

## Adjournment.

On motion of Senator Moore, the Senate, at 3:52 o'clock p. m., adjourned until 9:30 o'clock tomorrow morning.

Hall of the House of Representatives,  
Austin, Texas, August 10, 1931.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has concurred in Senate amendments  
to H. B. No. 19 (The Pipe Line Bill)  
by a vote of 112 yeas and 20 nays.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Simple Resolution No. 18.

Senator Parr moved to suspend  
the regular order of business and  
take up S. R. No. 18.

Senator Woodruff moved to table  
the motion. The motion to table  
was lost by the following vote:

Yeas—8.

Berkeley.	Loy.
DeBerry.	Moore.
Greer.	Poage.
Holbrook.	Woodruff.

Nays—14.

Cousins.	Purl.
Cunningham.	Russek.
Gainer.	Small.
Hardin.	Stevenson.
Hornsby.	Thomason.
Parr.	Williamson.
Parrish.	Woodward.

Present—Not Voting.

Neal.

Absent.

Beck.	Patton.
Hopkins.	Pollard.
Martin.	Rawlings.
Oneal.	Woodul.

The motion to take up the resolu-  
tion was lost by the following vote:

Yeas—16.

Cunningham.	Purl.
Gainer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Parr.	Thomason.
Parrish.	Williamson.
Patton.	Woodward.

Nays—11.

Beck.	Cousins.
Berkeley.	DeBerry.

Greer.  
Loy.  
Moore.  
Oneal.

Poage.  
Woodruff.  
Woodul.

Absent.

Hopkins. Neal.  
Martin. Pollard.

(Two-thirds vote required.)

#### S. C. R. No. 12.

Senator Moore sent up the fol-  
lowing resolution:

Whereas, The Legislature of the  
State of Texas has been called in  
extraordinary session by the Gover-  
nor for consideration of actions  
necessary to the conservation of the  
resources of the State of Texas; and

Whereas, The most important of  
all concerns, even above material  
values, is the life of the people it-  
self; and

Whereas, The unprecedented wave  
of crime sweeping over America  
crowding our jails and penitentiaries  
and increasing the prison population  
of our State of Texas to more than  
five thousand prisoners, fifty per  
cent of them under twenty-five years  
of age which is an alarming degree  
of delinquency and the increase of  
domestic troubles, shown by court  
records are signs of the dis-integra-  
tion of family life; and

Whereas, In the opinion of sociol-  
ogists, this alarming condition is due  
to the emphasis which in recent years  
has been placed upon material value  
and the small concern paid to spiri-  
tual values in home, school and so-  
ciety; and

Whereas, The multiplicity of bills  
offered in other legislatures is proof  
of the concern felt, as well as the  
difficulty of enacting into law pro-  
visions for producing the ends  
sought; and,

Whereas, Washington stated in his  
farewell address, "No nation can ex-  
ist without religion" for the strength  
and efficiency of any republic, a  
government by the people, depends  
upon the best development of those  
people, and which experience—the  
history of our nation—has demon-  
strated, that the strength of our re-  
public has been in the character of  
its citizens according to the moral  
character and intelligence of its peo-  
ple; and

Whereas, it uniformly is conceded  
that the remedy for prevailing con-  
ditions must be effected through the

inculcation of morality, spirituality and conscience in the young by parents, ministers and teachers; and

Whereas, statesmanship must concern itself for the perpetuation of the state by building a future citizenship in the strength of morality.

Therefore, be it resolved by the Senate, The House of Representatives concurring, that the people of the State of Texas be enjoined to address themselves to renewed effort to rebuild the idea and ideals of the family, to overcome the tendency of the present juvenile delinquency so prevalent and militating against the future security of the State, and to restore the balance between the spiritual and the material by the precept and example of parents, that their children may be reared in the inculcation of the teachings of fundamental righteousness.

That parents be adjured to exert every effort to restore the old-time influence of the home for the development of conscience and morality, and that in self-sacrificing love the little ones be trained in the virtues of truthfulness, honesty and respect for the rights of others.

That the churches, Sabbath schools and other religious organizations be urged and constrained to intensify their spiritual efforts to extend it to every child within their respective spheres of influence and responsibility.

That the schools promptly reform their methods so that the rudimentary studies, as well as the sciences, be taught only as subordinate to righteousness, that the emphasis be placed upon morality, good conscience, respect for parents, reverence for age and experience, and the subordination to authority, and that all learning is but the handmaiden of eternal goodness.

That it is the judgment of the Legislature of the State of Texas that only upon the lines herein suggested for the reëntrenching of the ideals of family life can the true balances be restored, social confusion be corrected, the appalling crime wave checked, the future of the State be assured by the conservation of the citizenship represented in our present youth, and civilization itself be preserved.

MOORE,  
NEAL,  
LOY,  
HARDIN.

The resolution was read and adopted.

#### Senate Bill No. 24.

The Chair laid before the Senate as special order the following bill:

By Senator DeBerry and Woodruff:

S. B. No. 24, A bill to be entitled "An Act amending Section 1, Sub-division 4, of Chapter 212, House Bill 251, as passed by the Regular Session of the Forty-second Legislature so as to provide that hereafter no tax, direct or indirect, shall be imposed on those engaged in selling farm products."

Read second time.

Senator Rawlings raised the points of order that the bill did not come within the Governor's call and that the bill was a revenue-raising measure and therefore could not originate in the Senate.

Senator DeBerry called for a division of the question.

#### Special Order Set.

Senator Greer received unanimous consent to set S. B. No. 64 as special order tomorrow morning immediately following the morning call.

#### Recess.

Senator Moore moved to recess until 2 o'clock p. m.

Senator Woodruff moved to recess until 1:30 o'clock p. m.

The motion to recess until 2 o'clock prevailed and at 12:09 o'clock p. m., the Senate recessed.

#### After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem Tom DeBerry.

#### Senate Bill No. 24.

The question recurred upon the pending points of order against S. B. No. 24.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the first point of order.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the second point of order.

Senator Poage appealed from the decision of the Chair.

Senator Hardin took the Chair.

The Senate voted to sustain the ruling of the Chair by the following vote:

**Yeas—19.**

Beck.	Poage.
Berkeley.	Rawlings.
Cousins.	Small.
Gainer.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Martin.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

**Nays—9.**

DeBerry.	Parrish.
Greer.	Patton.
Hardin.	Pollard..
Holbrook.	Purl.
Loy.	

**Absent.**

Cunningham.	Russek.
Moore.	

**Consent to Print.**

Speaking on a point of personal privilege, Senator DeBerry received unanimous consent to have printed in the Journal the following newspaper item and letter:

The Dallas Morning News  
Dallas, Texas  
Thursday, June 18, 1931  
Peddler to Pay His Share of Taxes  
When New Measure to Protect  
Buyer Is Law.

Members of the Texas Wholesale Fruit and Vegetable Dealers' Association, meeting in their seventeenth annual convention Tuesday at the Adolphus Hotel, scratched their heads and wondered whether business was bad enough to keep them from raising a fund of \$5,000.

They need the fund—and need it bad—to pay for debts incurred in the legislative fight they made recently in Austin for the peddlers' bill. Lobbies are never inexpensive luxuries. This lobby had an especially hard fight and the \$5,000 it cost must now be paid by the organization, already about \$200 in the red.

But these fruit and vegetable dealers aren't whimpering. They'll raise the money, they pledged them-

selves Tuesday, and by Aug. 21, when the bill goes into effect, they will be ready to devote themselves to its aggressive enforcement, aiding thereby the Comptroller's office, which is preparing to put on a special crew to enforce the bill.

The Dallas News

Dallas, Texas August 8, 1931.

Mr. W. M. Thornton,  
Austin, Texas.

Dear Mr. Thornton:

In response to your request for a statement from the reporter who handled the Peddler story, I have investigated and am giving you this statement from Mr. Irvin S. Taubkin, the reporter who handled the story:

"The information for this story came from the meeting, which I attended. The legislation had already been put over, and from what was said at the meeting, apparently at a cost of about \$5,000 for the lobby that worked for it. It seems that a good part of this money came from Mr. Ben Keith. Most of the business of the meeting was getting up a quota for collecting the money owed by the association from dealers over the state. Mr. Thornton writes: 'The Ft. Worth lobbyist assailed that part saying \$5,000 was sought to put over the legislation.' The legislation had already been put over, as the story indicates. The \$5,000 was to pay the costs of having put it over. The story is correct in every detail. Much of the information in it was obtained from Mr. Keith himself."

With best wishes, I am

Very truly yours,

JNO. E. KING, Managing Editor.

**Bills Signed.**

The Chair Lieutenant Governor, Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 21.

H. B. No. 19.

H. C. R. No. 13.

**Senate Bill No. 11.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Purl:

S. B. No. 11, A bill to be entitled  
"An Act to amend Senate Bill No.

626, passed by the Regular Session of the Forty-second Legislature by adding thereto a new section to be known as Section 1-A, providing for the transfer of a sum of money in the amount of \$635.18 from one appropriation to another appropriation made in House Bill No. 397, passed during the Regular Session of the Forty-second Legislature, 1931, and declaring an emergency."

The committee report was adopted.

Read second time.

Senator Hornsby sent up the following amendment:

Amend Senate Bill No. 11 by adding the following Section:

"Section 2. When any warrant shall be presented to the State Treasurer for redemption, and there shall be no funds in the Treasury appropriated for that purpose, the Treasurer shall endorse thereon the date of its presentation, with his signature thereto, and thereafter such warrant shall draw interest at the rate of five per cent (5%) per annum, and whenever there shall be funds in the Treasury for the redemption of warrants so presented and endorsed, the State Treasurer shall give notice of the fact in some newspaper published at the seat of Government, and at the expiration of thirty (30) days after the date of such notice, interest on such warrant shall cease."; and by amending the caption to conform.

HORNSBY,  
PURL.

Read and adopted.

Senator Purl sent up the following amendment:

Amend Senate Bill No. 11, by adding thereto a new section to be known as Section 1-a, to read as follows:

"The sum of Two Thousand Dollars (\$2,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to supplement an appropriation made during the Third Called Session of the Forty-First Legislature for the Fiscal Year ending August 31, 1931, to pay salaries of special Judges and expenses of

district Judges for holding Court out of their own Counties."

PURL.

Read and adopted.

Amend S. B. No. 11 by renumbering the sections to conform to the bill.

PURL.

Read and adopted.

Amend the caption to conform to the body of the bill.

PURL.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 11 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Nays—1.

Gainer.

Absent.

Hopkins.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Hopkins.
Berkeley.	Hornsby.
Cousins.	Martin.
Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Pollard.

Purl.	Thomason.
Rawlings.	Williamson.
Russek.	Woodruff.
Small.	Woodul.
Stevenson.	Woodward.

Nays—2.

Loy.	Poage.
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Absent.

Oneal.

**S. C. R. No. 6.**

The Chair laid before the Senate as pending business:

S. C. R. No. 6, Providing for the appointment of a tax survey committee.

Read and adopted by the following vote:

Yeas—20.

Beck.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Oneal.	Woodul.
Parrish.	Woodward.

Nays—5.

Berkeley.	Parr.
Holbrook.	Loy.
Hornsby.	

Absent.

Cousins.	Pollard.
Hopkins.	Rawlings.
Neal.	Russek.

**Senate Bill No. 56.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Hardin:

S. B. No. 56, A bill to be entitled "An Act making an emergency appropriation of money to the Division of Child Welfare of the State Board of Control, for the support, maintenance and operation of said division for the two years beginning September 1, 1931, and ending August 31, 1933; providing the transfer of a portion of such appropriated amounts from other appropriated

funds; prescribing means and manner of expenditure; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hardin the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 56 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—1.

Greer.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—1.

DeBerry.

**Senate Bill No. 38.**

The Chair laid before the Senate on its second reading the following bill:



By Senator Hornsby:

S. B. No. 38, A bill to be entitled "An Act to amend Chapter 172 of the Forty-first Legislature, passed at its Regular Session; to create the One Hundred and Twenty-sixth Judicial District of Texas; to fix and define the jurisdiction of the Fifty-third District Court, the Ninety-eighth District Court and the One Hundred and Twenty-sixth District Court, to fix the terms of each of said district courts, for a clerk and for a district attorney for said district courts, for continuance in office of the respective judges of the Fifty-third and Ninety-eighth District Courts, to provide for the appointment and election of a judge for the One Hundred and Twenty-sixth District Court, for appointment of court reporters by the judges of each of said courts, to continue in effect writs, process, bonds, recognizances, and orders, enacting proper provisions to continue any term of court that may be in session when this Act takes effect and to preserve grand and petit juries that may be drawn and selected when this Act takes effect, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 38 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

Nays—1.

Woodruff.

#### Senate Bill No. 35.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodul:

S. B. No. 35, A bill to be entitled "An Act to amend House Bill No. 312 known as the Bond and Warrant Law of 1931 passed by the Forty-second Legislature at the Regular Session thereof by adding thereto a new section to be designated as Section 11a, providing that nothing contained in said Act shall be construed as requiring any city to give any notice as a condition precedent to issuing warrants payable out of current funds of such city, and the issuance of any such warrants by any such city shall not be subject to the terms and provisions of said Act; and declaring an emergency."

Read second time.

Senator Martin sent up the following amendment:

Amend S. B. No. 35, by adding to the end of Section 1, the following additional sentences:

"Provided, however, that at the time of the authorization of such warrants the Governing Body of the city, shall also pass an order setting aside such an amount of the current funds as will discharge the principal and interest of the warrants issued and based upon such current funds. And thereafter the so appropriated portion of such current funds shall not be used for any purpose other than to discharge said warrants. And

no such warrants shall ever be refunded, but they must be discharged out of the designated funds."

MARTIN.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 35 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Nays—1.

Loy.

Present—Not Voting.

DeBerry.

Senate Bill No. 43.

The Chair laid before the Senate on its second reading the following bill:

By Senator Parr:

S. B. No. 43, A bill to be entitled "An Act amending Article 7008, Chapter 7, Title 121, Revised Civil Statutes of Texas, 1925, so as to empower commissioners' courts of counties not exempted from said Chapter 7 to authorize inspectors of hides and animals thereof, after proper hearing, to charge not to exceed twenty-five cents for each hide or animal inspected and, in inspection of lots of more than fifty hides or animals, not to exceed ten cents each for all hides or animals above that number."

Read second time.

Senator DeBerry raised the point of order that this bill was a revenue-raising measure and could not originate in the Senate.

The Chair, Lieutenant Governor, Edgar E. Witt, overruled the point of order.

Senator Williamson raised the point of order that the bill did not come within the Governor's call.

The Senate voted that the bill did come within the Governor's call by the following vote:

Yeas—13.

Berkeley.	Purl.
Cousins.	Small.
Gainer.	Stevenson.
Hardin.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.
Patton.	

Nays—10.

Cunningham.	Martin.
DeBerry.	Moore.
Greer.	Poage.
Holbrook.	Pollard.
Loy.	Williamson.

Absent.

Beck.	Parrish.
Hopkins.	Rawlings.
Hornsby.	Russek.
Oneal.	Thomason.

Senator Poage sent up the following amendment:

Amend S. B. No. 43 by striking out all Sentorial Districts except the 27th Sentorial District.

POAGE.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 43 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed.

#### Senate Bill No. 61.

The Chair laid before the Senate on its second reading the following bill:

By Senator Williamson:

S. B. No. 61, A bill to be entitled "An Act to amend Subdivision (b) of Section 3, S. B. No. 625, Chapter 241, Acts of the Regular Session of the Forty-second Legislature, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Williamson the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 61. was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Hornsby.
Berkeley.	Loy.
Cousins.	Martin.
Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Oneal.
Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Patton.
Hopkins.	Poage.

Pollard.	Thomason.
Purl.	Williamson.
Rawlings.	Woodruff.
Russek.	Woodul.
Small.	Woodward.
Stevenson.	

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Present—Not Voting.

DeBerry.

#### Senate Bill No. 39.

The Chair laid before the Senate on its second reading the following bill:

By Senator Neal:

S. B. No. 39, A bill to be entitled "An Act creating the 124th Judicial District to be constituted of Gregg County, Texas, only; fixing the time during which said court shall exist; providing for the terms thereof; providing that the clerk of the 71st Judicial District Court of Gregg County, Texas, shall serve as clerk of said 124th Judicial District; and providing for the duties of the District Clerk of said 124th Judicial District; and providing for the appointment of the judge thereof and his compensation; etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 39 was put on its third reading and final passage, by the following vote:

## Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

## Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

## Nays—2.

DeBerry.	Poage.
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## Messages From the House.

Hall of the House of Representatives.  
Austin, Texas, August 10, 1931  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to House Bill No. 25 by a vote of 106 yeas and 19 nays, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

WAGSTAFF,  
PETSCH,  
GRAVES,  
FORD,  
DUVALL.

Hall of the House of Representatives.  
Austin, Texas, August 10, 1931  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 52, An Act amending Article 4553 of Chapter 10 commonly known and designated as the Optometry Bill, so as to provide for a State Board of Examiners in Optometry composed of six members and providing their necessary qualifications, and amending Article 4554 of said chapter so as to provide the terms of office of said members of said Board and to repeal all laws in conflict therewith and declaring an emergency.

H. C. R. No. 13, Authorizing the Enrolling Clerk of the House to make certain corrections in H. B. No. 19.

Hall of the House of Representatives.  
Austin, Texas, August 10, 1931  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 11, Granting the Hon. Judge J. C. Canty, Judge of the 10th Judicial District (Galveston) permission to leave the State of Texas at certain intervals during the next 12 months.

H. C. R. No. 15, Granting Hon. R. L. Murray, Judge of the Criminal District Court of Jefferson County, permission to leave the State of Texas on a short vacation.

Hall of the House of Representatives.  
Austin, Texas, August 10, 1931  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 46, An Act governing the statement of facts, including: amendment of Articles 2237, 2238 and 2239 of the Revised Civil Statutes, 1925; provisions under which the court stenographer's transcript of the evidence may be ordered and shall be filed, in duplicate, objection may be made thereto and the same when approved and signed as herein

required may be used as the statement of fact; etc."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

### H. C. R. No. 13.

The Chair laid before the Senate: H. C. R. No. 13, Authorizing correction of certain typographical errors in H. B. No. 19.

Read and adopted.

### Senate Bill No. 55.

The House laid before the Senate on its second reading the following bill:

By Senator Cousins:

S. B. No. 55, A bill to be entitled "An Act validating and legalizing the authorization of bonds issued by or on behalf of any County, City, District, or political subdivision of this State for the construction of seawalls; validating the levy and assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns and declaring the result of such elections; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Cousins the constitutional rule requiring bills to be read on three several days was suspended and S. B. 55 was put on its third reading and final passage, by the following vote:

#### Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

#### Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

#### Present—Not Voting.

DeBerry.

### Senate Bill No. 44.

The Chair laid before the Senate on its second reading the following bill:

By Senator Greer:

S. B. No. 44, A bill to be entitled "An Act to amend Chapter 61, Acts of the Regular Session of the Forty-second Legislature, House Bill 289, providing for the taking of fish from the fresh waters of Hunt County, Kaufman County, and Rains County, Texas, and making it unlawful to take any such fish except by ordinary hook and line or by seine or net, the mesh of which is less than one and one-half inch square; providing that seines and nets may be used only during July, August and September; and making it unlawful to take or possess any such fish for the purpose of sale except carp, buffalo, catfish and drumfish, etc., and declaring an emergency."

The committee report was adopted.

The committee amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 44 was put on its third reading and final passage, by the following vote:

#### Yeas—31.

Beck.	DeBerry.
Berkeley.	Gainer.
Cousins.	Greer.
Cunningham.	Hardin.

Holbrook.	Pollard.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Russek.
Martin.	Small.
Moore.	Stevenson.
Neal.	Thomason.
Oneal.	Williamson.
Parr.	Woodruff.
Parrish.	Woodul.
Patton.	Woodward.
Poage.	

Real third time and finally passed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

#### Free Conference Granted.

On motion of Senator Woodward, the Senate voted to grant the request of the House for a Free Conference Committee on H. B. No. 25.

#### Senate Bill No. 41.

The Chair laid before the Senate on its second reading the following bill:

By Senators Greer and Purl:

S. B. No. 41, A bill to be entitled "An Act to provide free tuition for all pupils over six years of age and not over twenty-one years of age in certain school districts; to provide for length of free term to be allowed transferred pupils; to provide for part-time schools, continuation schools, and evening schools for the purpose of the better education of adults, to define the meaning of high school grades, repealing all laws in conflict herewith, and declaring an emergency."

Read second time.

Senator Holbrook sent up the following amendment:

Amend S. B. No. 41 by substituting the words "seven years of age" for the words "six years of age" wherever they appear.

HOLBROOK.

The amendment was read.

Senator Thomason moved to table the amendment. The motion prevailed by the following vote:

Yeas—19.

Berkeley.	Pollard.
DeBerry.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Moore.	Thomason.
Neal.	Woodruff.
Oneal.	Woodward.
Patton.	

Nays—5.

Cousins.	Poage.
Gainer.	Woodul.
Holbrook.	

Absent.

Beck.	Parr.
Cunningham.	Parrish.
Hopkins.	Williamson.
Martin.	

The bill was passed to engrossment.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 41 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

## Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

## Senate Bill No. 42.

The Chair laid before the Senate on its second reading the following bill:

By Senator Neal:

S. B. No. 42, A bill to be entitled "An Act to provide for the employment of a supervisor or supervisors in all counties in this State whenever deemed advisable by the county board of school trustees and specifying qualifications and duties of such supervisor or supervisors and providing for the manner and mode of payment thereof and repealing all laws in conflict herewith; and declaring an emergency."

Read second time.

Senator Moore sent up the following amendment:

Amend S. B. No. 42, by adding thereto, the following: Sec. 1a. Provided the provisions of this Act shall not apply to the counties of Hunt, Collins, Rains, Rockwall, Harris, Dallas and the counties of the 23rd, 26th, 9th, 21st, 19th, and 27th Senatorial Districts.

MOORE,  
WOODUL.  
PURL.

Read and adopted.

Senator Pollard sent up the following amendment:

Amend S. B. No. 42 by striking out the words and figures \$1.50 wherever same appears and insert in lieu thereof fifty cents.

POLLARD.

Read and lost by the following vote:

## Yeas—8.

Berkeley.	Parr.
Holbrook.	Pollard.
Hopkins.	Purl.
Moore.	Woodruff.

## Nays—13.

Cousins.	Patton.
Gainer.	Small.
Hardin.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodul.
Neal.	Woodward.
Oneal.	

## Absent.

Beck.	Poage.
Cunningham.	Rawlings.
Greer.	Russek.
Parrish.	Williamson.

## Absent—Excused.

DeBerry.

## Present—Not Voting.

Martin.

Senator Stevenson sent up the following amendment:

Amend S. B. No. 53 by striking out the words "having a population of 1500 scholastics or more", under the supervision of the county school superintendent or ex-officio school superintendent."

STEVENSON.

Read and adopted.

Senator Moore sent up the following amendment:

Amend S. B. No. 42, as follows: Line 16, Sec. 2, by striking out the figures "\$1.50." and insert in lieu thereof the figures "\$1.00".

MOORE.

Read and adopted by the following vote:

## Yeas—14.

Berkeley.	Oneal.
Cousins.	Parr.
Hardin.	Pollard.
Holbrook.	Purl.
Hopkins.	Small.
Hornsby.	Woodruff.
Moore.	Woodward.

## Nays—6.

Gainer.	Stevenson.
Neal.	Thomason.
Patton.	Woodul.

**Present—Not Voting.**

Williamson.

**Absent.**

Beck.	Russek.
Cunningham.	Parrish.
Greer.	Poage.
Loy.	Rawlings.
Martin.	

**Absent—Excused.**

DeBerry.

Senator Purl sent up the following amendment:

Amend S. B. No. 42 by adding thereto a new Section to be known as Section —, to read as follows:

"Section No. 59. Each and every school supervisor as provided in this Act shall be a college graduate."

PURL.

Read and lost.

The bill was passed to engrossment.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 42 was put on its third reading and final passage, by the following vote:

**Yeas—28.**

Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Absent.**

Beck.

**Absent—Excused.**

DeBerry.

Parrish.

Read third time.

Senator Pollard sent up the following amendment:

Amend S. B. No. 42 by adding at the end of Section 1, the following, "No teacher shall be paid for any time, he or she may attend a Teach-

er's Institute during any school year during which said supervisor is employed."

**POLLARD.**

Read and adopted unanimously.

The bill was finally passed by the following vote:

**Yeas—18.**

Cousins.	Patton.
Gainer.	Pollard.
Hardin.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	Woodward.

**Nays—5.**

Berkeley.	Moore.
Holbrook.	Purl.
Hopkins.	

**Absent.**

Beck.	Poage.
Cunningham.	Rawlings.
Greer.	Russek.
Parrish.	

**Absent—Excused.**

DeBerry.

**Senate Bill No. 53.**

The Chair laid before the Senate on its second reading the following bill:

By senator Neal:

S. B. No. 53, A bill to be entitled "An Act amending Section 1 of Chapter 129 of the General Laws of the State of Texas by the Forty-second Legislature, so that the same shall hereafter read that the Centennial Committee therein created shall be composed of twenty-one members instead of nine, and providing for their appointment; and declaring an emergency."

The rule requiring committee reports to lie over 24 hours, was suspended.

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 53 was put



on its third reading and final passage by the following vote:

**Yeas—26.**

Berkeley.	Parr.
Cunningham.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Absent.**

Beck.	Parrish.
Cousins.	Russek.

**Absent—Excused.**

DeBerry.

Read third time and finally passed by the following vote:

**Yeas—27.**

Beck.	Parr.
Berkeley.	Patton.
Cousins.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

**Absent.**

Cunningham.	Russek.
Parrish.	

**Absent—Excused.**

DeBerry.

**Senator Excused.**

Senator DeBerry was excused for the rest of the day on account of illness.

**Senate Bill No. 40.**

The Chair laid before the Senate on its third reading the following bill:

By Senator Neal:

S. B. No. 40, A bill to be entitled "An Act amending Section 1 of Chapter 354, page 844, Acts of the Regular Session of the Forty-second Legislature, relating to the creation of the office of Criminal District Attorney in certain counties, so as to make said Act applicable to counties having a population of not less than 32,000 and not more than 75,000 inhabitants according to the last preceding Federal Census; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 40 was put on its third reading and final passage, by the following vote:

**Yeas—22.**

Berkeley.	Parr.
Cousins.	Patton.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

**Nays—3.**

Holbrook.	Poage.
Oneal.	

**Absent.**

Beck.	Rawlings.
Cunningham.	Russek.
Parrish.	

**Absent—Excused.**

DeBerry.

Read third time and finally passed by the following vote:

**Yeas—18.**

Berkeley.	Patton.
Cousins.	Pollard.
Gainer.	Rawlings.
Greer.	Small.
Hardin.	Stevenson.
Martin.	Thomason.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

## Nays—6.

Holbrook.	Loy.
Hopkins.	Oneal.
Hornsby.	Purl.

## Absent.

Beck.	Poage.
Cunningham.	Russek.
Parrish.	Williamson.

## Absent—Excused.

DeBerry.

## Conference Committee Appointed.

The Chair announced the appointment of the following Free Conference Committee on H. B. No. 25:

Senators Rawlings, Pollard, Small, Woodward, and Gainer.

## Recess.

On motion of Senator Greer, the Senate, at 6:34 o'clock p. m., recessed until 9:30 o'clock tomorrow morning.

## APPENDIX.

## Petitions and Memorials.

GEO. A. HENSHAW  
Attorney at Law  
804 Hightower Building  
Oklahoma City, Oklahoma  
August 8, 1931.

Speaker of the Senate,  
State Capitol Building,  
Austin, Texas.

Dear Sir:

I have watched with interest the progress of oil conservation legislation now pending in the Legislature of Texas.

At the time the Conservation Laws of Oklahoma were enacted, I was a member of the Corporation Commission and had charge of all oil legislation in the State up to that time. I drafted both the Oil and Gas conservation laws of Oklahoma and they passed as drafted with the exception of Section 2 of the oil law attempting to prescribe a method of fixing prices. The section was probably unconstitutional and after it was inserted by the legislature I asked them to put in another clause providing that if any section of the act should be held unconstitutional, the remainder should be held in full

force and effect. This law has stood the test of all the courts except the United States Supreme Court, yet I am sure your laws will doubtless be more perfect.

I notice your Governor is opposed to the clause of "reasonable market demands". That clause considered in connection with waste has not been seriously criticized by the courts as a price-fixing clause. It is used by the Commission more in the nature of a measure of waste. That is, when oil is produced in excess of market demands there is bound to be more or less waste.

Just prior to the passage of these laws in Oklahoma, oil in the Cushing and Healdton fields was selling as low as twenty-five cents per barrel, notwithstanding, prior thereto we had maintained a posted price of fifty-five cents in these fields. After the law was passed, the price quickly reached \$1.00, and oil has never sold for less until this year when the price has gone below One Dollar because the purchasers generally and refineries throughout the land could not be assured that oil would be held in the ground until it was needed for refining.

I know what a great task is before the Legislature and Governor of Texas. I passed through the same in Oklahoma at a time when most of the oil men, and especially the big companies, were against proration and fought this entire unanimous sentiment singlehanded. All of the main refineries and large purchasing companies have changed their position and to a large extent are in favor of taking the oil from the ground as it is needed for refining. Remember that they are not too quick to urge that strict proration be made until the large companies shall have purchased many of the smaller properties in a new pool.

The delay in this matter, which, of course, is unavoidable has cost Texas more than Two Hundred Million Dollars. It has cost Oklahoma a like amount. It has cost New Mexico, Arizona and Louisiana large amounts. It has demoralized the oil industry and practically destroyed all independent producers. The legislature of Texas should pass a joint resolution that conditions in the East Texas Oil Field are inimical to public health and safety and that the field

should be shut down until all surface oil was removed therefrom, and ask the Governor in the interest of public health and safety, and without reference to the price of oil, to shut down the field for ninety days for clean-up purposes. In the meantime, pass reasonable proration laws so that oil can be reasonably produced as refined. There can be no exact standard set. If your body, in its wisdom, could see fit to do something quickly, the price of oil would go to One Dollar per barrel throughout the nation and many bankruptcies would be averted. The independent producers throughout the country are in a serious condition.

It may appear to the outside world that the Governor of Oklahoma has attempted a drastic method of handling the situation here, but he is being applauded from one end of the nation to the other. Most all oil communities in Oklahoma have had meetings in his honor and are willing to sacrifice for the right.

I hope you will accept this letter in the spirit in which it is written.

If I can serve you, command me.

Yours very respectfully,

GEO. A. HENSHAW.

#### Committee on Enrolled Bills.

Committee Room,

Austin, Texas, August 10, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had Senate Concurrent Resolution No. 8, carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

#### Committee on Engrossed Bills.

Committee Room,

Austin, Texas, August 10, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 56, carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, August 10, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 11,

carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, August 8, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 49, carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, August 8, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 37, carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

#### Committee Reports.

Committee Room,

Austin, Texas, August 8, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred S. R. No. 18, Amend Senate Rule 92, page 219, by inserting after the word "Appeals" in sixth line, the following:

"Visitors and friends, by invitation of a Senator, may be allowed the privilege of the space adjacent to the walls so long as they maintain order and decorum."

Have had the same under consideration, and am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

#### Committee Amendment.

Amend S. R. No. 18 by adding the following:

"and only so long as such visitors are in conference with members of the Senate."

Committee Room,

Austin, Texas, August 10, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Appropriations, to whom was referred H. C. R. No. 9, Providing an appropriation of \$33,580.00 for the repair and renovation of the old Travis County Court House Building; and authorizing the Game, Fish and

Oyster Commission to supplement an appropriation of \$16,500.00, or so much thereof as may be necessary out of the several funds that have been heretofore appropriated to the Game, Fish and Oyster Commission for the biennium ending August 31, 1933, for the purpose of aiding in the repair of the said Court House Building.

Have had the same under consideration and am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Vice-Chairman.

Committee Room,  
Austin, Texas, August 10, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 58, A bill to be entitled "An Act amending Articles 2559 and 2560, Revised Civil Statutes of the State of Texas for 1925, providing the way and manner in which cities, towns, villages shall take bids for depositories of funds of such cities, towns, and villages, and providing for the way and manner in which said funds shall be secured and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with recommendation that it do pass and be not printed.

ONEAL, Chairman.

Committee Room,  
Austin, Texas, August 10, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 10, A bill to be entitled "An Act repealing Chapter 185, page 455, Acts of the Regular Session, 39th Legislature, relating to the right of foreign corporations to own stock in and participate in the management and control of domestic corporations; and declaring an emergency, etc."

Have had the same under consideration, and am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas, August 10, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 53, A bill to be entitled "An Act amending Section 1 of Chapter 129 of the General Laws of the State of Texas by the Forty-second Legislature, so that the same shall hereafter read that the centennial committee therein created shall be composed of twenty-one members instead of nine, and providing for their appointment, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with recommendation that it do pass.

MOORE, Chairman.

Committee Room,  
Austin, Texas, August 8, 1931.  
Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 51, A bill to be entitled "An Act to amend Article 3109 of the Revised Civil Statutes of 1925, relating to Ballot at Primaries, repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, August 3, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred  
House Concurrent Resolution No. 7,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

**EIGHTEENTH DAY.**

(Continued.)

Senate Chamber,  
Austin, Texas,  
August 11, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order Lieutenant Governor Edgar E. Witt.

**H. C. R. No. 11.**

The Chair laid before the Senate: H. C. R. No. 11, Relative to Farm Board's holding surplus cotton.  
Read and adopted.

**S. C. R. No. 4.**

The Chair laid before the Senate: S. C. R. No. 4, Relating to occupancy of school lands by mistake and preference right thereunder.  
Read and adopted.

**House Bills Referred.**

H. B. No. 68 referred to Committee on Towns and City Corporations.

H. B. No. 49 referred to Committee on Judicial Districts.

H. B. No. 51 referred to Committee on Towns and City Corporations.

H. B. No. 53 referred to Committee on Judicial Districts.

**Messages From the House.**

Hall of the House of Representatives,  
Austin, Texas, August 11, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 49, A bill to be entitled "An Act creating the One Hundred and Twenty-fourth Judicial District, to be constituted of Gregg County, Texas, only; fixing the time during which said court shall exist; providing for the terms thereof; providing that the clerk of the Seventy-first Judicial District Court of Gregg County, Texas, shall serve as clerk of said One Hundred and Twenty-fourth Judicial District; and providing for the duties of the district clerk of said One Hundred and Twenty-fourth Judicial District; and providing for the appointment of the judge thereof and his compensation; providing for the transfer of cases from the Seventy-first Judicial District Court of Gregg County to said

One Hundred and Twenty-fourth Judicial District Court and from said One Hundred and Twenty-fourth Judicial District Court to the Seventy-first Judicial Court of Gregg County; and providing for the jurisdiction of said court; creating the office of criminal district attorney of the One Hundred and Twenty-fourth District of Texas; providing that the county attorney of Gregg County shall assume the duties of such office until the next general election; providing for the election of the criminal district attorney thereafter, prescribing his duties, tenure of office, compensation, qualifications, taking the official oath and giving bond; authorizing said criminal district attorney to appoint assistants, fixing their compensation, and providing for the payment of same out of the fees of office, and prescribing their duties, etc., and declaring an emergency."

H. B. No. 51, A bill to be entitled "An Act validating and legalizing the authorization of bonds, issued by or on behalf of any county, city, district, or political subdivision of this State for the construction of sea walls; validating the levy and assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns and declaring the result of such election, and declaring an emergency."

H. B. No. 53, A bill to be entitled "An Act to amend Chapter 172 of the Forty-first Legislature, passed at its Regular Session; to create the One Hundred and Twenty-sixth Judicial District of Texas; to fix and define the jurisdiction of the Fifty-third District Court, the Ninety-eighth District Court and One Hundred and Twenty-sixth District Court, to fix the terms of said district courts; to provide for grand and petit juries in each of said district courts, for a clerk, and for a district attorney for said district courts, for continuance in office of the respective judges of the Fifty-third and Ninety-eighth District Courts; to provide for the appointment and election of a judge for the One Hundred and Twenty-sixth District Court, for appointment of court reporters by the judges of each of said courts, etc., and declaring an emergency."

H. B. No. 68, A bill to be entitled "An Act amending Articles 2559 and